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Thursday, December 28, 2017

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1 — The most important environmental stories of 2017, Times Picayune, 5/27/2017
http://www.nola.com/environment/index.ssf/2017/12/the_biggest_environmental_stor.html
President Donald Trump made his mark in the energy and environment world during his first year in Washington. Many of his actions aimed to undo work from the Obama era. Trump all but abandoned the nation's efforts to combat climate change, and he shrank national monuments that President Barack Obama had established or sought to preserve. Trump scaled back regulations on the fossil fuel industry and pushed for more drilling on land and at sea.

2 — EPA shut-in order finalized as debate continues over Bird Creek cleanup, pollution source, Tulsa World, 12/28/2017
http://www.tulsaworld.com/homepagelatest/epa-shut-in-order-finalized-as-debate-continues-over-bird/article_85547b66-87c3-57f2-8c4b-437fefa23f9f.html
The Environmental Protection Agency has finalized its orders for three oil producers to shut down wastewater injection wells at seven sites in Osage County due to contamination in Bird Creek. Meanwhile, the producers continue to work with a University of Tulsa environmental engineering professor on an idea that could potentially not only clean up the creek but may show the EPA was mistaken in its theory of how contaminated water entered the creek in the first place. Thousands of gallons of salt water were pumped from the creek early this month as part of that test.

3 — State Climatologist Looks For Lessons From Harvey-Like Hurricanes That 'Stall', Houston Public Media, 12/28/2017
https://www.houstonpublicmedia.org/articles/news/2017/12/28/258509/evergreen-state-climatologist-looks-for-lessons-from-harvey-like-hurricanes-that-stall/
After Hurricane Harvey, Texas' State Climatologist is looking for lessons from rain-heavy storms of the past. John Nielsen-Gammon has been researching storms that, like Harvey, "stalled out" on coastlines. Digging into the historical record, he learned that two of the three hurricanes that were stronger than Harvey, and also stalled along a coast, were among the five deadliest Atlantic storms ever.

4 — FEDERAL JUDGE DENIES DOJ REQUEST FOR YEAR-LONG DELAY IN SUITS OVER HARVEY FLOODING, State Impact, 12/27/2017
http://www.texasstandard.org/stories/categories/energy-environment/
Justice Department attorneys said the U.S. Army Corps of Engineers needed the time to "look for documents" regarding the release of floodwaters from Addicks and Barker Dams, which inundated thousands of homes. Chief Judge Susan G. Braden of the U.S. Court of Federal Claims slammed the request as "insulting."

5 — EPA finds Baton Rouge area is out of compliance with ozone standards to industry's chagrin, Advocate, 12/27/2017
http://www.theadvocate.com/baton_rouge/news/article_3ec1ec10-eb47-11e7-b666-7f6f82142e2a.html
The Environmental Protection Agency has informed state officials that it intends to label the Baton Rouge area as out of compliance with national air quality standards, a move that affects permitting standards for new or expanded

industrial facilities. The notice comes in light of new regulations promulgated in 2015 that reduce the allowable amount of ozone and just nine months after the Baton Rouge area came into compliance with earlier EPA standards.

6 —Bexar Not Among 18 Texas Counties Failing to Meet EPA Ozone Standard, Rivard Report, 12/28/2017
https://therivardreport.com/bexar-not-among-18-texas-counties-failing-to-meet-epa-ozone-standard/
Bexar County is not one of 18 Texas counties that the U.S. Environmental Protection Agency reported it will designate in "nonattainment" with federal ozone standards. All 18 noncompliant counties are in the Houston and Dallas/Fort Worth metro areas, according to a Dec. 22 letter from the EPA to Texas Gov. Greg Abbott. In the letter, Samuel Coleman, the EPA's deputy regional administrator in Dallas, wrote that the federal agency intends to designate all other Texas counties in compliance with federal ozone standards, although it did not specifically mention Bexar County.

7 — Motions filed to dismiss lawsuit against St. John plant emitting 'likely carcinogen', FOX 8, 12/27/17
http://www.fox8live.com/story/37149621/motions-filed-to-dismiss-lawsuit-against-st-john-plant-emitting-likely-carcinogen
Attorneys for Denka Performance Elastomer and the plant's former owner, DuPont, filed motions to dismiss a lawsuit against their clients due to a lack of evidence linking chloroprene emissions to cancer. The Environmental Protection Agency classifies chloroprene as a likely carcinogen. In 2015, the EPA released the National Air Toxics Assessment Map that singled out Denka and claimed the plant's chloroprene emissions put residents who live and work nearby at the highest risk of developing cancer, long-term, in the nation. The EPA says strong scientific data and research checked by experts in the field led to its findings.

8 — 2016 floods cause Baton Rouge residents, officials to consider planting more trees, greenery, Advocate, 12/27/17
http://www.theadvocate.com/baton_rouge/news/environment/article_88e18348-deb1-11e7-b0dc-abb589d7f47c.html
South Louisianians have been especially mindful of late of their leafy neighbors: the sycamores, cypresses, live oaks and sweet gums that lend their shade and literally hold the community together. Their importance was underscored after the 2016 flood as local leaders and environmentalists looked to trees and other flora to help anchor the ground against erosion and soak up excessive rain.

9 — Why your health can depend on where you live, Houston Chron, 12/26/17
http://www.houstonchronicle.com/local/gray-matters/article/Why-your-health-can-depend-on-where-you-live-12455686.php
The residents of Houston's Fifth Ward live among several sources of harmful pollution: concrete batch plants, metal recycling facilities, Superfund sites and a railyard that was once home to a chemical plant. Not coincidentally, many of them are dealing with cardiovascular and respiratory problems – and even cancer.

LOUISIANA ENVIRONMENT AND FLOOD CONTROL

The most important environmental stories of 2017

Posted December 27, 2017 at 12:42 PM | Updated December 27, 2017 at 12:43 PM

In this Dec. 12, 2017, file photo provided by the Santa Barbara County Fire Department, fire burns canyons and ridges above Bella Vista Drive near Romero Canyon in Montecito, Calif. The huge wildfire that burned hundreds of homes in Santa Barbara and Ventura counties was the largest in California's recorded history. *(Mike Eliason/Santa Barbara County Fire Department via AP)*

By The Washington Post

WASHINGTON - President Donald Trump made his mark in the energy and environment world during his first year in Washington. Many of his actions aimed to undo work from the Obama era. Trump all but abandoned the nation's efforts to combat climate change, and he shrank national monuments that President Barack Obama had established or sought to preserve. Trump scaled back regulations on the fossil fuel industry and pushed for more drilling on land and at sea.

And in turn, much of the world pushed back. Protesters descended on Washington to oppose his policies and campaign against what they saw as an attack on science. Other nations denounced his decision to back out of an international climate agreement, leaving the United States at odds with the rest of the globe.

Meanwhile, extreme weather nationwide wrought devastation. Hurricanes leveled homes, triggered floods and upended lives from Puerto Rico to Texas. Wildfires ravaged California, burning entire neighborhoods to ashes. It was a tumultuous year. Here are some of the most consequential environmental stories we covered along the way.

In this Thursday, June 1, 2017 file photo, President Donald Trump speaks about the U.S. role in the Paris climate change accord in the Rose Garden of the White House in Washington. *(Pablo Martinez Monsivais, Associated Press)*

Withdrawal from the Paris climate accord.

"I was elected to represent the citizens of Pittsburgh, not Paris," Trump proclaimed from the Rose Garden in June. With those words, he declared his intention to **withdraw the nation** from a global effort to cut greenhouse gas emissions in an attempt to fend off the worst effects of climate change. The Obama administration had led the charge for the landmark deal in late 2015, helping to persuade other world powers - and major polluters - such as China and India to pledge to reduce their emissions in coming years.

Trump reversed course, despite widespread criticism from world leaders, claiming that the Paris accord was a bad deal for the United States that would disadvantage American workers. The United States is now the only nation in the world to reject the deal. While the U.S. withdrawal from the Paris agreement cannot officially be finalized until late 2020, the action sent a clear message: Climate action has little place in the Trump administration.

Scott Pruitt, administrator of the Environmental Protection Agency, during a meeting in the Cabinet Room of the White House in Washington, Dec. 6, 2017. An analysis of enforcement data at the EPA under President Donald Trump shows a substantial drop in activity against polluters when compared to the Obama and Bush administrations. *(Doug Mills, The New York Times)*

A sea change at the Environmental Protection Agency

"The future ain't what it used to be at the EPA," the agency's administrator, **Scott Pruitt**, is fond of saying. That's certainly true. In nominating Pruitt to head the agency that Trump once promised to reduce to "little tidbits," the president chose a man who had long been one of its most outspoken adversaries. As Oklahoma attorney general, Pruitt sued the EPA 14 times, challenging its authority to regulate toxic mercury pollution, smog, carbon emissions from power plants and the quality of wetlands and other waters.

Now, as EPA's leader, he has acted aggressively to reduce the agency's reach, pause or reverse numerous environmental rules, and shrink its workforce to Reagan-era levels. He has begun to dismantle Obama's environmental legacy, in part by rolling back the Clean Power Plan - a key attempt to combat climate change by regulating carbon emissions from the nation's power plants. Along the way, Pruitt has become one of Trump's most effective Cabinet members, as well as a lightning rod for criticism from public health and environmental groups.

The sun sets over Bears Ears National Monument, as seen from the Moki Dugway on June 11, north of Mexican Hat, Utah. *(Katherine Frey, The Washington Post)*

The fight over national monuments

Trump issued an executive order in April to review 27 land and marine monuments. But it was clear that two particular monuments were in his crosshairs: **Bears Ears** and Grand Staircase-Escalante. Utah's congressional delegation and its governor had lobbied Trump's inner circle to reverse the monument designations of these parks in their state even before he was elected.

Utah Republicans called the designations by Obama and President Bill Clinton overzealous land grabs, and shortly after he took office, Trump adopted some of the same language. He promised to end what he called presidential "abuses" and give control of the land "back to the people." In the end, Trump shrank both monuments by nearly 2 million acres last month, and Interior Secretary Ryan Zinke said the borders of other monuments in the Atlantic and Pacific oceans, as well as in the West, are being reviewed. Native American groups that had requested a Bears Ears designation are leading a wave of lawsuits against the Trump administration's decision.

Virtual tour of Chevron's Jack/St. Malo oil platform, about 108 miles south of New Orleans in the Gulf of Mexico. *(Chevron)*

Drill, baby, drill

Drilling platforms already dot the Gulf of Mexico, where the fossil fuel industry has extracted oil and gas for decades. But the Trump administration wanted to make history. In early November, it did so by announcing the **largest gulf lease offering for oil and gas exploration** in U.S. history: 77 million acres.

The move was consistent with Trump's push for "energy dominance." He and Zinke are also opening more land to coal excavation in the West. One of Zinke's first acts as interior secretary was to remove a bright and colorful picture of a western landscape from the Bureau of Land Management's website and replace it with a black wall of coal.

Oil prices are climbing after reaching record lows in recent years, but coal is struggling to make a comeback after the rise of natural gas. The Gulf of Mexico promises more oil, but it also might promise disaster. It's the scene of the nation's worst environmental disaster, the Deepwater Horizon oil spill, which fouled beaches and killed untold numbers of marine animals when oil spewed into the water for months.

Is drilling in the pristine Arctic National Wildlife Refuge next? The Republican-controlled Congress greenlighted leases for exploration in the recently passed tax bill completely along party lines. But let the buyer beware. Royal Dutch Shell drilled a $7 billion hole in the Chukchi Sea in 2014 and has nothing to show for it.

In this Feb. 23, 2017 file photo, law enforcement enters the Oceti Sakowin camp to begin arresting Dakota Access oil pipeline protesters in Morton County, near Cannon Ball, N.D. North Dakota law enforcement purchased more than $600,000 worth of body armor, tactical equipment and crowd control devices during the height of protests against the Dakota Access oil pipeline, state invoices show. *(Mike McCleary/The Bismarck Tribune via AP)*

Action on the Dakota Access and Keystone XL pipelines

As winter began to fade, it became clear that camps of protesters in Canon Ball, North Dakota, who for months had fought a pipeline that they argued could threaten the drinking water and cultural sites of the Standing Rock Sioux tribe, had lost this particular battle. Days after Trump took office, he signed executive orders to revive two

controversial pipelines that the Obama administration had put on hold - the 1,172-mile **Dakota Access** and the 1,700-mile **Keystone XL** oil pipeline, which would extend from the Canadian tar sands region to refineries on the Texas Gulf Coast.

Oil is now flowing through the Dakota Access pipeline. And the company behind the Keystone XL this fall cleared a key regulatory hurdle in its quest to complete the northern half of the pipeline, running from Alberta to Steele City, Nebraska, when it received approval from the Nebraska Public Service Commission. Opponents of both projects have vowed to continue legal fights, as well as to protest any other pipelines they view as a threat to public health or the environment. But Trump shows few signs of backing down, calling his actions "part of a new era of American energy policy that will lower costs for American families - and very significantly - reduce our dependence on foreign oil, and create thousands of jobs right here in America."

(In Louisiana, the Army Corps of Engineers issued a permit for construction of the **Bayou Bridge Pipeline**, also contested by a variety of environmental groups and Atchafalaya Basin fishermen.)

Video by The Washington Post

Attacks on the Endangered Species Act

It is arguably one of the most powerful environmental laws in the world, credited with saving at least a dozen animal and plant species from extinction. But who will save the **Endangered Species Act**, which is under attack by political conservatives inside and outside Washington? Led by Rep. Rob Bishop, R-Utah, chairman of the House Natural Resources Committee, who said he wants to "invalidate" the 44-year-old act, some Republicans say the law interferes with commercial development, private landowner rights and excavation of natural resources such as coal and natural gas.

Bishop's committee passed five bills that would weaken protections for wolves, force federal workers who enforce the law to consider economic impact when deciding how to save animals and strip away a provision of the law that requires the federal government to reimburse conservation groups that prevail in court. The bills have set up a potentially titanic battle between wildlife advocates and lawmakers supporting farmers, housing developers and the oil and gas industry. It's not the first time that conservatives have attempted to weaken the act, but it is the first time a presidential administration and the department that oversees the act appear willing to go along.

In this Sept. 24, 2017 file photo, National Guard soldiers distribute water and food in the aftermath of Hurricane Maria, in San Juan, Puerto Rico. Distribution of basic resources including food and water lagged as Donald Trump's administration cited logistical and geographical challenges in delivering aid to a U.S. territory about 1,000 miles away from the mainland. *(Carlos Giusti, Associated Press)*

Epic hurricanes and wildfires

Last year around this time, a **strange wildfire** rushed through the Tennessee mountains, killing 14 people, destroying homes and apartment buildings, and threatening a major recreation area in Gatlinburg. The 2017 fire disasters, some of which are still burning, were much more monstrous than that Great Smoky Mountain inferno. Two California fires, the **Sonoma fire** that burned north of San Francisco and the **Thomas fire** that burned north of Los Angeles, driven by fierce Santa Ana winds, have combined to kill 45 people, burn more than a half-million acres, destroy nearly 2,000 structures and cost hundreds of millions of dollars to fight. The Thomas fire appears to be finally contained near Santa Barbara after burning the second-most acreage in state history.

But fire wasn't even the costliest disaster this year. **Hurricane Harvey**'s death toll in and around Houston was nearly double the number who perished in the two fires and sent 30,000 people in search of shelter. Miami, Jacksonville and Naples, Florida, were devastated by **Hurricane Irma**, which immediately followed Harvey. They were followed by **Hurricane Maria**, which leveled much of Puerto Rico and left at least 50 people dead, but that is probably a drastic under count and the toll could be as high as 500.

Daugherty Johnson, center, Flint's former utilities administrator, pleaded no contest Tuesday, Nov. 28, 2017, to a misdemeanor public records charge rather than facing two felony charges -- false pretenses and conspiracy to commit false pretenses at Genesee District Court in downtown Flint, Mich. Johnson becomes the third of 15 Flint water crisis defendants to agree to cooperate in other pending cases, including those against officials inside Gov. Rick Snyder's cabinet. *(Jake May, The Flint Journal-MLive.com via AP)*

Criminal charges mount in the Flint water crisis

In June, Michigan Attorney General Bill Schuette charged the director of the state's health department and four other public officials with involuntary manslaughter for their roles in the **Flint water crisis**, which has stretched into its fourth year. In addition to ongoing worries that thousands of young children were exposed to dangerous levels of lead in the city's contaminated water supply, the crisis has been linked to an outbreak of Legionnaires' disease that contributed to at least a dozen deaths. The manslaughter charges were the latest reckoning.

According to Schuette's office, the investigation into the decisions that led to tainted water for a city of nearly 100,000 people has resulted in 51 criminal charges for 15 state and local officials. It remains unclear how many of the charges will stick. But the cases serve as a reminder of the human toll of the tragedy and how, even today, many residents in the largely low-income, majority-minority city trust neither the water from their taps nor the public officials charged with ensuring it is safe.

Jayden Foytlin, 14, of Rayne, third from right, walks in the People's Climate March in Washington in April 2017. She is one of 21 young plaintiffs suing the federal government for its alleged failure to curtail fossil fuel development and address climate change. *(Zahra Hirji via InsideClimate News)*

Climate march on Washington

It didn't draw nearly the crowd that the Women's March did in January. And it didn't get as much national attention as the March for Science that came only a week earlier. Even so, on a sweltering Saturday in April, tens of thousands of demonstrators descended on

Washington to mark Trump's first 100 days in office. Their plea: Stop the rollback of environmental protections and take climate change seriously.

Building on a massive demonstration three years earlier in New York, the **People's Climate March** brought its message - and its many clever signs - to the White House. "Don't destroy the Earth. I buy my tacos here," one read. "Good planets are hard to find," another read. "Make Earth Great Again!" read another. Trump wasn't around that day to witness the protests on his doorstep, and the march's organizers didn't expect to change his mind. But they were gearing up for a long fight ahead. By the next morning, some participants met to discuss how to get more allies to run for public office. "It can't just be a march," one activist said. "It has to be a movement."

http://www.tulsaworld.com/homepagelatest/epa-shut-in-order-finalized-as-debate-continues-over-bird/article_85547b66-87c3-57f2-8c4b-437fefa23f9f.html

EPA shut-in order finalized as debate continues over Bird Creek cleanup, pollution source

Experts for EPA, producers have conflicting ideas on cause of pollution

By Kelly Bostian Tulsa World Dec 28, 2017 Updated 10 hrs ago

A worker monitors a frac tank as it unloads salt-contaminated water pumped from Bird Creek into a pumper truck at the entrance to the Chapman Ranch. KELLY BOSTIAN/Tulsa World

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Oil producers set to pump Bird Creek amid EPA's ongoing investigation of salt water contamination

PAWHUSKA — The Environmental Protection Agency has finalized its orders for three oil producers to shut down wastewater injection wells at seven sites in Osage County due to contamination in Bird Creek.

Meanwhile, the producers continue to work with a University of Tulsa environmental engineering professor on an idea that could potentially not only clean up the creek but may show the EPA was mistaken in its theory of how contaminated water entered the creek in the first place. Thousands of gallons of salt water were pumped from the creek early this month as part of that test.

EPA Region 6 officials and the producers say they have planned a meeting early in January, when the spill mystery and cleanup response will be rolling into its 17th month.

On Dec. 21, the EPA notified Warren American Oil Co., Jireh Resources LLC and Novy Oil and Gas Inc. that with "careful review of public comment," orders to shut down the wells were final. The decision came after initial orders were issued in August to shut-in the wells and a public comment period that included a hearing held in Tulsa on Oct. 11 — where producers first offered their alternative theory.

Shutdowns still are considered voluntary until the full administrative process — including arguments in federal court if necessary — is completed. With the orders finalized, the companies now have 20 days to appeal their case to a federal court judge.

Unlike other counties across Oklahoma under immediate state agency supervision, mineral rights in the Osage Nation fall under the auspices of the tribe, and contamination issues are handled by the tribe, Bureau of Indian Affairs and the EPA.

In the case of Bird Creek, those entities were under fire at this time last year from local residents who complained about slow response and lack of answers as to what caused extreme saltwater levels, an oily sheen and fish kill in the small creek in August 2016 on a stretch through the Chapman Ranch, just off a county road about 5 miles west of the Nature Conservancy's Tallgrass Prairie Preserve.

EPA Administrator Scott Pruitt visited the site in May after he was appointed to the position in the spring and vowed swift and intense action to resolve the issue. The EPA gathered data at the site over the summer and in August ordered the producers to shut down their wells.

Production water re-injected into the geological zone, the Mississippian Chat, below the creek caused over-pressurization and led to a connection between the creek and the injection zone below and has or will lead to repetitive events, according to the orders.

Dallas-based EPA Region 6 Administrator Sam Coleman reiterated a message Wednesday he has spoken since last spring that the incident at Bird Creek — whether a one-time event or ongoing problem — violates a basic tenet. "If you inject something underground it stays underground," he said.

At the Oct. 11 hearing in Tulsa, the producers rejected the over-pressurization theory and said they do not believe they are responsible for the spill.

Warren American and Jireh announced a plan to show the event was a one-time spill and that no further threat exists with a plan offered by TU professor Kerry Sublette.

Jireh Resources and Warren American requested copies of the EPA's data, worked with their own engineers and Sublette, who has consulted on cleanups worldwide, and forwarded an offer to pump out the most contaminated section of the creek not only to clean up the creek, but to bolster their one-time-event theory.

On Dec. 5 and 6, Warren moved equipment on the Chapman Ranch and pumped roughly 500 barrels of high-saline water out of deep hole in the creek that is a half mile downstream from the original site of highest contamination, which is near a county road and the Chapman Ranch house, according to Warren Chief Operating Officer Doug Norton.

Norton said the EPA data shows the original spill site, which once had 100-degree water temperatures and saline levels over 80,000 parts per million, is at near-normal levels now and meets EPA standards. The deep hole downstream, a wide section of stream that is 6 to 10 feet deep, has levels up to 34,000 parts per million.

After the first day of pumping, the Warren crew learned the uneven bottom held "hot spots" between dips and rises, where they believed saline settled in each depression. They improvised a new hose set-up and brought in a canoe so they could drop their sensors and hose vertically to take more exact samples from the narrow layer of contaminated water at the bottom of the pool.

On the first day a layer at least 18 inches up from the bottom was 34,000 ppm, and after two hours pumping the level dropped to 4,000 ppm, Norton said.

The crew returned a week later to drop sensors and found the water had returned to 34,000 ppm but the layer was only about 1 inch deep, he said.

Sublette said he found information from the pumping and the later test data helpful but said he recommended to the companies that the hole be pumped at least twice more, once relatively soon and another after a large rain event.

He said the stream is acting like the spill was a one-time event because the original highest point of contamination now is much cleaner while the higher concentration has moved downstream and settled in the deeper hole.

Sublette emphasized he is consulting on the incident purely from an environmental improvement standpoint. "It's what's happened and what can we do about it moving forward," he said.

"From the get-go I told them it will take more than one pumping," Sublette said. "Downstream from the original high-concentration site there is more salt in the gravel and sediments in the creek, and those will continue to migrate and collect at the downstream site. You have to give it some time and it will re-stratisfy."

He said he recommended a second pumping effort and then waiting for a good strong rain to "scrub the creek" and then pumping again after that.

"Of course, the down side is that kind of rainfall event may be something that you wait for months to occur," he said.

The pumping carried out by Warren American this month came with permission from Chapman Ranch landowners. EPA field workers only observed the operation, Norton said.

"They didn't seem impressed," Norton said of his interaction with the EPA workers on site. "I think there will be a difference of opinion, and I left a little bit discouraged about that."

Coleman's thoughts on the pump-out test, based on reports from his field staff, confirmed that suspicion. He said the pumping tests are something "between the landowner and the producers" and have no bearing on the administrative order process.

"They said it was less-than-successful and felt it proved our point," Coleman said. "I guess they think pumping it out can prove their point, but we feel confident in what we have already determined or we would not have issued the orders that we did for them to stop injection in that zone."

Staff Writer Kelly Bostian

Kelly Bostian writes about and photographs all things involving the environment, conservation, wildlife, and outdoors recreation. Phone: 918-581-8357

ENERGY & ENVIRONMENT

State Climatologist Looks For Lessons From Harvey-Like Hurricanes That 'Stall'

Over time, hurricanes have stalled along coastlines more often

TRAVIS BUBENIK | DECEMBER 28, 2017, 9:30 AM

Charlie Riedel/AP

A family looks at floodwaters in the Addicks Reservoir from a closed freeway on Sept. 1, 2017. Charlie Riedel/AP

After Hurricane Harvey, Texas' State Climatologist is looking for lessons from rain-heavy storms of the past.

John Nielsen-Gammon has been researching storms that, like Harvey, "stalled out" on coastlines. Digging into the historical record, he lea that two of the three hurricanes that were stronger than Harvey, and also stalled along a coast, were among the five deadliest Atlantic stor

What's more, the record shows these intensely rainy storms have been happening more often.

"The frequency of storms stalling along the coast in the past few decades is 2-3 times larger than it had been previously," Nielsen-Gammo cautioning that more research is needed to determine whether or not that's part of a trend or not.

Still, he said the big lesson so far is that we shouldn't think of hurricanes as having limits on their intensity.

"These extreme events that are beyond 1 in 100 or 1 in 500-year events are going to happen," Nielsen-Gammon said, "and we should at make sure that we allow appropriately for that small but real possibility."

Nielsen-Gammon noted that if Harvey had stuck around for another day, it could have dropped another 10 to 15 inches of rain. And, he sa wouldn't have taken that much of a change for that to have happened.

00:04 /01:04

Travis Bubenik

ENERGY & ENVIRONMENT REPORTER

Travis Bubenik reports on the tangled intersections of energy and the environment in Houston and across Texas. A Hc native and proud Longhorn, he returned to the Bayou City after serving as the Morning Edition Host & Reporter for Ma Public Radio in Far West Texas. Bubenik was previously the...

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Craig LeMoult / For Houston Public Media

From Houston Public Media:

A judge has refused to delay a pair of class-action lawsuits against the federal government over flood damage during Harvey. Homeowners are suing over the U.S. Army Corps of Engineers' decision to release water from the Addicks and Barker Dams. Chief Judge Susan G. Braden of the U.S. Court of Federal Claims issued the ruling in Houston.

Braden previously ordered the thousands of claims against Corps consolidated into two class-action lawsuits – one dealing with plaintiffs upstream of the dams, the other with those downstream.

Attorneys for the Justice Department requested a year's delay in the trial. By Judge Braden's reading, that request came with an implied threat to appeal immediately to a higher court unless

What do you think?

COMMEN

http://www.theadvocate.com/baton_rouge/news/article_3ec1ec10-eb47-11e7-b666-7f6f82142e2a.html

EPA finds Baton Rouge area is out of compliance with ozone standards to industry's chagrin

BY CAROLINE GRUESKIN | CGRUESKIN@THEADVOCATE.COM DEC 27, 2017 - 6:01 PM

Advocate file photo of ExxonMobil's Baton Rouge Chemical Plant on Scenic Highway.

Advocate file photo

Caroline Grueskin

The Environmental Protection Agency has informed state officials that it intends to label the Baton Rouge area as out of compliance with national air quality standards, a move that affects permitting standards for new or expanded industrial facilities.

The notice comes in light of new regulations promulgated in 2015 that reduce the allowable amount of ozone and just nine months after the Baton Rouge area came into compliance with earlier EPA standards.

In a letter to Gov. John Bel Edwards and the Louisiana Department of Environmental Quality dated Dec. 20, EPA officials said East Baton Rouge, West Baton Rouge, Ascension, Livingston and Iberville have too much ozone and other pollutants in their air.

Story Continued Below

Ground-level ozone is known to exacerbate asthma and trigger coughing, chest pain and throat irritation, according to the EPA. It also can be harmful to plants and sensitive ecosystems.

It's produced by emissions from power and chemical plants, cars, and refineries, the EPA says.

The Baton Rouge area achieved compliance, known as "attainment" in EPA lingo, with the EPA's 2008 standard in March. That regulation allowed parishes to have a maximum of 75 parts per billion of ozone in the air. The new standard promulgated in 2015 lowered that level to 70. Monitors in East Baton Rouge indicate ozone levels of 72, according to EPA documents.

"We're very close to the bubble," said Donald Trahan, administrator of the air planning and assessment division at DEQ.

Scores for the other parishes were 71 in Ascension, 70 in Livingston and 66 in West Baton Rouge. Monitors in Iberville did not collect data that met the criteria for inclusion.

The EPA's decision to count Livingston, West Baton Rouge and Iberville as noncompliant was due in part to how those parishes contribute to high ozone levels in the region, according to a technical support document. Those parishes were also knocked for having a high numbers of

motor vehicle miles traveled and for the emissions of nitrogen oxides and volatile organic compounds, which are also pollutants.

The letter comes nearly three months late, as the EPA was supposed to alert states to noncompliant areas by Oct. 1. Last month, the agency released a list of areas that were in compliance with the new rules but said nothing about 11 parishes, including the Baton Rouge metropolitan area.

The situation led to confusion among state regulators, environmentalists and business leaders. Environmentalists and health advocates sued the agency for acting late and thereby failing to protect citizens against the harmful effects of ozone.

The letter starts a 120 day period in which the state can respond to the EPA and potentially contest the designation, according to DEQ's Trahan.

The designation given by the EPA is in line with what Louisiana had already acknowledged to be the case in communications with the federal agency in September 2016. Trahan said the DEQ has not yet decided whether it will submit any new information or contest the designations.

The letter says a 30-day public comment period will be opened.

When a parish is considered not in attainment with air pollution standards, it means more stringent permits for new industrial facilities that are built or for expansions of existing facilities.

"It's a little bit more difficult to build new plants or expand an existing plant," Trahan said.

In addition, it means that gasoline sold in the summers must have lower vapor pressure, which reduces the emissions that contribute to ozone and smog. That gasoline can be more costly.

Industry leaders told the Advocate during the confusion earlier this month they hoped the EPA would not declare the Baton Rouge area to be out of compliance.

Baton Rouge Area Chamber Executive Vice President Michael DiResto said doing so would stifle economic growth in the area. Louisiana Mid-Continent Oil and Gas Association President Chris John said it could mean increased gasoline costs for consumers, among other problems.

“The designation of non-attainment for the capitol region is problematic for a number of reasons. For the everyday consumer, it could mean an increased cost of gasoline during the summer of 2018. However, we have been working at LMOGA with our members, along with

regulators at the local, state, and federal level, to develop a body of work that shows the rationale for non-attainment is either isolated or the result of influences outside of the Baton Rouge metro area. Hopefully, this isn't the final decision going into 2018 summer."

Environmentalists and the EPA say reducing ozone levels is important, however.

In a declaration filed with the environmentalists' lawsuit, Elena Craft, a senior scientist with the Environmental Defense Fund, said that ground-level ozone leads to respiratory effects, from decreased lung function to respiratory-related hospital emissions to premature death.

"Both the delay in implementing pollution control measures and in ultimately attaining the standards expand the risk of near-term harm to all populations, and especially harm to children, older adults, those suffering from respiratory diseases such as asthma, low-income populations, outdoor workers and other recreating outdoors," she wrote.

Trahan said that if the Baton Rouge area is officially determined as out of compliance, DEQ will have 18 months to develop a plan for how to get in line.

He said that in the 1970s through 1990s, DEQ mostly targeted the major industrial sites with regulations requiring them to reduce emissions. Now, most larger sites have emissions controls in place, and the reductions will have to come as much from smaller sources, including cars and dry cleaners, as well as from increased efficiency and anti-pollution devices in factories.

"We anticipate that we will continue reducing emissions in the five-parish area, and that is what will get us into attainment," Trahan said.

Six other parishes — Assumption, East Feliciana, Pointe Coupee, St. James, St. Helena and West Feliciana were also left off the November list of parishes that have hit their goals.

The letter says those parishes will be listed as attainment/unclassifiable. The technical document says Pointe Coupee's high nitrogen oxide emissions largely result from the Big Cajun II power plant, which is under a consent decree to reduce pollution. St. Helena and the Felicianas are low-population and have lower ozone numbers.

The EPA documents do not explain the decisions regarding Assumption and St. James parishes.

All other parishes in the state are in compliance, according to the EPA.

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GOV & POLITICS

Bexar Not Among 18 Texas Counties Failing to Meet EPA Ozone Standard

HANNA OBERHOFER

11 HOURS AGO

SCOTT BALL / RIVARD REPORT

A layer of smog clouds the San Antonio skyline.

UPDATED 2 HOURS AGO

Editor's note: This story is developing and will be updated.

Bexar County is not one of 18 Texas counties that the U.S. Environmental Protection Agency reported it will designate in "nonattainment" with federal ozone standards. All 18 noncompliant counties are in the Houston and Dallas/Fort Worth metro areas, according to a Dec. 22 letter (https://www.epa.gov/sites/production/files/2017-12/documents/tx_ltr_12_22_17.pdf) from the EPA to Texas Gov. Greg Abbott.

In the letter, Samuel Coleman, the EPA's deputy regional administrator in Dallas, wrote that the federal agency intends to designate all other Texas counties in compliance with federal ozone standards, although it did not specifically mention Bexar County.

Some local officials had feared a nonattainment designation by the EPA because Bexar County was excluded from the list of counties the agency in November classified (https://s3.amazonaws.com/public-inspection.federalregister.gov/2017-24640.pdf) as compliant with federal air quality standards.

The EPA did not return the *Rivard Report*'s request for comment before publication deadline.

In an email to the *Rivard Report*, Brian McGovern, media relations specialist with the Texas Commission on Environmental Quality (https://www.tceq.texas.gov) said the organization "is pleased that the EPA has … deferred a designation recommendation for Bexar County at this time."

The list of nonattainment counties includes Dallas, Tarrant, Harris, and Galveston counties – home to the state's two largest cities, Houston and Dallas – as well as counties near those cities, including Collin and Denton near Dallas, and Brazoria and Fort Bend near Houston.

The EPA changed the primary eight-hour ozone standard from 75 parts per billion to 70 in 2015 to "provide increased protection of public health," the letter to Abbott states.

Related: San Antonio Sees Slight Air Quality Improvement, Awaits EPA Designation (https://therivardreport.com/san-antonio-sees-slight-air-quality-improvement-awaits-epa-designation/)

The San Antonio area's 74 parts per billion average between 2015 and 2017 violates the EPA's 2015 standard, according to data (https://www.aacog.com/410/2017-Air-Quality-Status) compiled by the Alamo Area Council of Governments (AACOG). The City has taken some action in response, including passage of an anti-idling ordinance (http://www.sanantonio.gov/sustainability/OrdinancesAndGovernance/Antildling) that prohibits large trucks and buses from idling for more than five minutes.

Ground-level ozone forms when certain man-made and natural chemical pollutants directly interact with the sun's ultraviolet rays. A key component of smog, ozone is unhealthy to breathe as it may irritate or damage lungs.

A nonattainment status could prompt a slate of costly measures for the public and private sectors, including restrictions on manufacturing company relocation and expansion, project delays, and lost gross regional product, according to (https://www.aacog.com/DocumentCenter/View/41742) a report commissioned by the AACOG. Economic losses in the San Antonio Metropolitan Statistical Area due to marginal nonattainment could cost upward of $3.2 billion, the study found.

Related: Study: Elevated Ozone Levels Could Increase Respiratory Deaths, Illnesses (https://therivardreport.com/study-elevated-ozone-levels-could-increase-respiratory-deaths-illnesses/)

The first local analysis (http://www.sanantonio.gov/Portals/0/Files/Sustainability/OzoneHealth/final-report.pdf) addressing ground-level ozone pollution in San Antonio, commissioned by the City's Office of Sustainability, revealed that the city would see an additional 19 respiratory deaths per year if ozone levels were to rise to 80 parts per billion, costing the local economy $170 million. If ozone levels were to fall below 68 parts per billion, the study found, it would avoid 24 deaths annually and save a total of $220 million.

Editor-in-Chief Beth Frerking contributed to this report.

Motions filed to dismiss lawsuit against St. John plant emitting 'likely carcinogen'

Published: Wednesday, December 27th 2017, 8:37 pm CST
Updated: Wednesday, December 27th 2017, 8:46 pm CST

Written by: Ryan Naquin, Reporter CONNECT

ST. JOHN THE BAPTIST PARISH, LA (WVUE) - Attorneys for Denka Performance Elastomer and the plant's former owner, DuPont, filed motions to dismiss a lawsuit against their clients due to a lack of evidence linking chloroprene emissions to cancer.

The Environmental Protection Agency classifies chloroprene as a likely carcinogen.

In 2015, the EPA released the National Air Toxics Assessment Map that singled out Denka and claimed the plant's chloroprene emissions put residents who live and work nearby at the highest risk of developing cancer, long-term, in the nation. The EPA says strong scientific data and research checked by experts in the field led to its findings.

In July, 18 St. John the Baptist Parish residents sued the companies over health risk.

Attorney Eb Garrison, who represents the residents, said a urinalysis conducted on the 18 residents in the suit revealed traces of chloroprene in their system.

Denka argues the EPA's study is wrong and used incomplete data for its conclusion.

In the motion to dismiss, plant attorneys argued "the residents do not allege any present injury, but only speculate about the possibility of injuries, damages and future scientific developments that could someday occur".

There is no scientific data linking long-term chloroprene exposure to cancer because no such study has ever been conducted on people until now.

Air monitors around the plant have recorded chloroprene levels since May 2016. At this time, those recordings and new cancer cases diagnosed for people living near the plant are being used to conduct EPA's long-term study of chloroprene exposure.

The motion to dismiss claims residents "failed to state a claim" because there is no scientific data backing up the complaint.

"We feel we have a very strong science behind us, very good studies that show that chloroprene exposure - even long-term exposure to workers - does not cause cancer. As a matter of fact, the workers showed a lower rate of cancer than the normal population. I think that's the strongest argument to our science," Denka Plant Manager Jorge Lavistida said last month.

The Louisiana Tumor Registry said the rate of cancer in St. John the Baptist Parish is lower than the rest of the state.

"We haven't seen that huge spike of cancer in this area. It's hard to say that the chloroprene exposure for all this time has really caused more cancer than any place else in the country where there is no chloroprene, and that's what we are looking at," Louisiana Department of Health and Hospitals Health Officer Jimmy Guidry said.

Guidry said the state is working with Denka to reduce emissions.

Denka has spent more than $25 million in an effort to reduce its chloroprene emissions by 85 percent by the end of the year, according to Lavistida.

"People want a black and white answer. It's not," Guidry said. "It's definitely a complicated answer, and says if you are exposed to this level for a continuous exposure for this many years, your risk of cancers is one in a million or one in a hundred thousand. That's how it's going to be reported out, and that is not going to satisfy some people. It's really trying to figure out what we are being exposed to and the risk and it's a calculated risk."

Garrison said he plans to file oppositions to the motions to dismiss.

The claim is expected to be heard by a federal judge in February.

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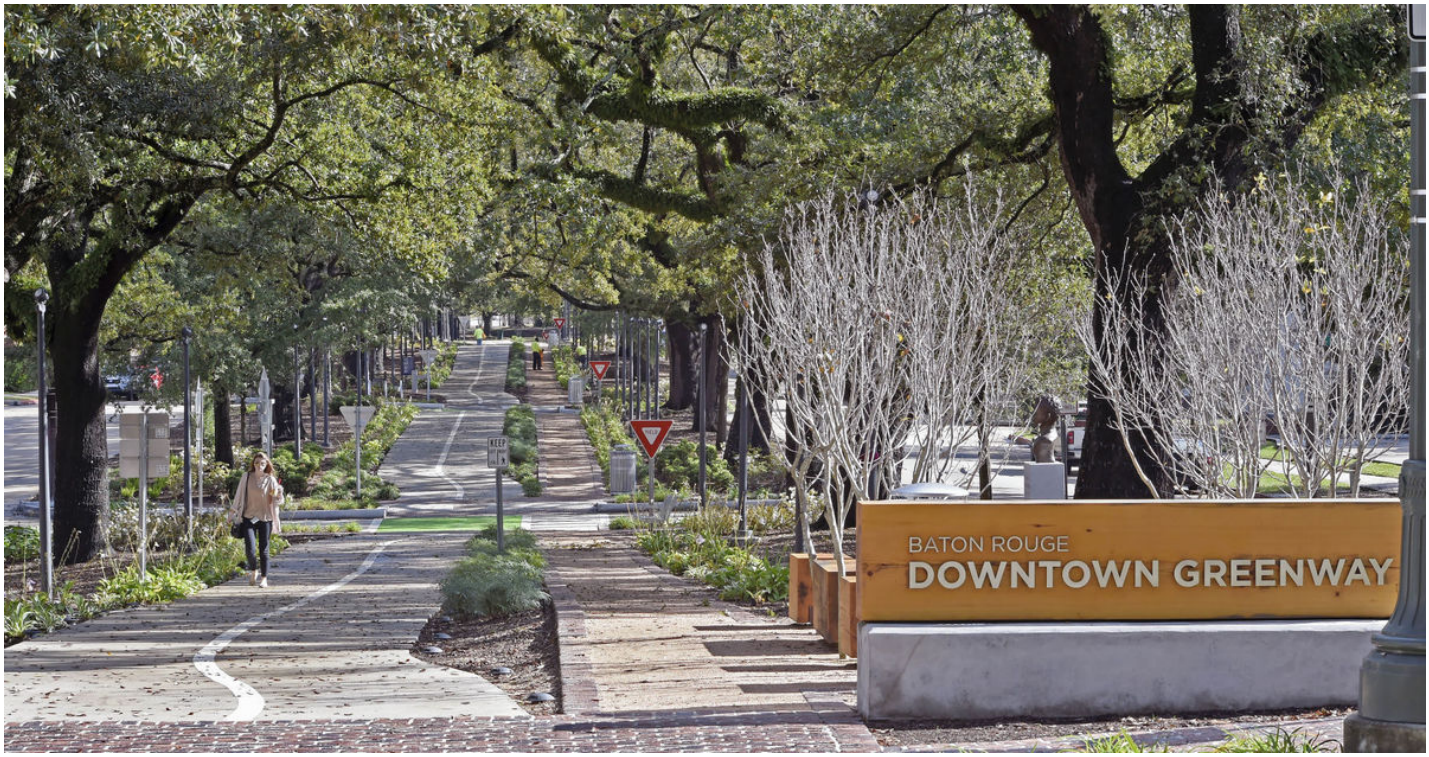
2016 floods cause Baton Rouge residents, officials to consider planting more trees, greenery

BY STEVE HARDY | SHARDY@THEADVOCATE.COM DEC 27, 2017 - 4:23 PM



An unidentified woman walks on the Downtown Greenway in the North Boulevard median near 5th Street on Wednesday Dec. 20, 2017. The greenway is a city-parish project to preserve and promote green spaces in the urban core.

ADVOCATE STAFF PHOTO BY BILL FEIG

Steve Hardy

South Louisianians have been especially mindful of late of their leafy neighbors: the sycamores, cypresses, live oaks and sweet gums that lend their shade and literally hold the community together.

Their importance was underscored after the 2016 flood as local leaders and environmentalists looked to trees and other flora to help anchor the ground against erosion and soak up excessive rain.

Conservationists are leading expeditions into wetlands to replenish mangrove stocks, and the East Baton Rouge Planning Commission has recently discussed how far they can go to defend live oaks from being destroyed by developers.

Story Continued Below

'Be prepared to get dirty': Conservationists seeking volunteers to plant trees in Maurepas Swamp

Developers in East Baton Rouge can try to mitigate flood risk by including features like retention ponds, but groups like the Center for Planning Excellence say that adding more green spaces with water-sopping vegetation could also help.

The city-parish doesn't have any rules on using flora for flood control, said city-parish planning manager Vance Baldwin, but greenery could play a bigger role in soaking up water and even chemicals such as oil that runs off a parking lot.

Baldwin expects the mayor's storm water master plan — parts of which are expected to be completed as early as the spring — will help lay out how trees, bushes and rain gardens can best be employed.

It's something that will be explored when planning staff sets about revising the local floodplain ordinance in the coming months.

'Rebuilding with Resilence' theme of Baton Rouge area planning group

The city-parish drew up its first landscape ordinance in the mid-1990s and overhauled it last year, Baldwin said.

Developers had been able to get points for every tree they planted at commercial sites, apartment complexes and subdivisions, but the rules let them stuff plants in back areas that would never be developed. The new guidelines from last year's overhaul of the ordinance emphasized planting where they can be seen from the street and provide a buffer, he said.

The rules also make sure that trees also now have enough space to grow, so a business owner can't just plant one on a tiny island in a parking lot where it can't mature properly. Larger trees are intended to help combat the urban heat island effect, a phenomenon in which cities are warmer than undeveloped areas due to heat-trapping construction material, Baldwin said.

On a smaller scale, they also provide shade, which is important to leaders who want to encourage residents to bike and walk wherever possible in a car-heavy city.

"It's hard to get people to walk in the blazing sun or the rain when there's no cover," Baldwin said.

One public project intended to provide more lush paths is the Downtown Greenway, a connection of parks and walkways that will eventually connect the riverfront to City Park, Memorial Park and Arsenal Park. Some routes along the Mississippi and the tree-lined North Boulevard Promenade are in place already, with more planned.

Officials break ground on greenspace for Baton Rouge's 'front porch;' see renderings

The Downtown Development District is also looking to develop a 20-acre conservation area near the corner of River Road and North Boulevard, said director Davis Rhorer.

The site has pits that have filled in with water and now provide a habitat for herons, egrets and the occasional pelican. Rhorer wants to add in some trails where downtown denizens can "escape from the city" for a walk.

Downtown, planners are less concerned with erosion control than providing shade and beauty. Rhorer said his agency has sought to seed downtown with a "riverine pallet" of plant life and a live oak theme. They're also considering hanging some Spanish moss on the trees outside the State Capitol.

"It certainly would be an appropriate display of Louisiana — cypress trees with moss on them," he said.

Of course, when residents have a question about plants on private property, they get directed to someone like Greg Bivin, the East Baton Route Department of Development's urban forestry and landscape manager. Most of his job involves reviewing plans and making sure developers are following the code, such as ensuring that at least ten percent of new commercial development is green space. But Bivin occasionally is called on to mediate disputes between neighbors.

He has to tell residents that they can't cut their neighbors' trees, even if they lean over the property line. However, most times the two sides can work out an agreement, especially when Bivin tells them the tree owner could be liable for damage from a fallen branch.

That's also why the city-parish has to trim dead trees in the right of way and limbs that lean over parking spaces and private property, Bivin continued.

However, except for some restrictions on historical sites, private property owners are largely free to manage their own plants as they see fit.

Massive live oak tree may be sacrificed for proposed new Baton Rouge subdivision

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GRAY MATTERS

Why your health can depend on where you live

Hazardous facilities are too often sited in lower-income neighborhoods

Bakeyah Nelson | December 26, 2017

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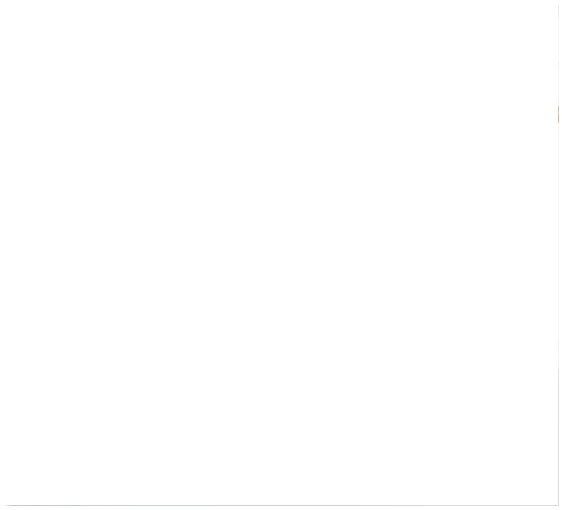
Photo: Karen Kasmauski, International League Of Conservation Photographers

If you drive around Houston, it is clear to see the health and safety risks that are the product of our inadequate land-use policies.

The residents of Houston's Fifth Ward live among several sources of harmful pollution: concrete batch plants, metal recycling facilities, Superfund sites and a railyard that was once home to a chemical plant.



Not coincidentally, many of them are dealing with cardiovascular and respiratory problems – and even cancer.

In early December, some 240,000 gallons of crude oil and some 30,000 gallons of sludge spilled near homes in the southwest part of the city. Residents reported headaches, nausea and burning eyes. A nearby elementary school shut down a wing of the building, closed its air vents and prohibited children from going outside for several days.

Health and place are inextricably linked. If you drive around Houston, it is clear to see the health and safety risks that are the product of our inadequate land-use policies.

Research indicates that an individual's ZIP code is a stronger predictor than their genetic code of how long they will live. For years, science has shown that living in close proximity to environmental hazards contributes to a range of poor health outcomes, including asthma, childhood cancer and lower birth weights.

If this is the case, why do we continue to allow hazardous facilities to be built near

homes, schools, childcare centers and other places where we work and play in Houston?

AIR QUALITY: What happens when Texas stops watching pollution

This reality was painfully clear during Harvey. Industrial facilities released more than 2 million pounds of extra pollution into the air, exposing residents to dangerous levels of cancer-causing chemicals and ground-level ozone, or smog.

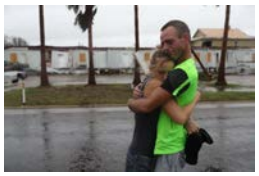
In Crosby, officials evacuated a neighborhood because of a series of explosions at a flooded chemical plant and the threat of exposure to toxic air from the facility. Schools and local health systems have since reported higher than usual respiratory illness.

To read this article in one of Houston's most-spoken languages, click on the button below.

GRAY MATTERS

Why your health can depend on where you live

How I learned to love making tamales



Why you need health insurance after Harvey

The case for hope in 2018

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And, as a post-Harvey survey conducted by the Episcopal Health Foundation highlights, residents are now reporting an increase in health issues, with 13 percent of residents reporting that a member of their household has a new or worsening health condition due to the storm, rising to 17 percent among those who suffered property or income losses.

As decision makers struggle to reconcile the consequences of Houston's land-use policy decisions (or the absence thereof), Harvey must serve as our collective awakening. Any dialogue concerning the city's growth in a post-Harvey era should include serious conversations about where environmentally burdensome facilities like concrete batch plants, metal recycling facilities, chemical plants and refineries can be located in the future.

In Harris County alone, there are more than a hundred schools and childcare centers within one mile of large toxic facilities, putting the health and safety of our most vulnerable at risk.

ENVIRONMENTAL JUSTICE: The trash — and the politics — at Houston's early garbage dumps

It is also well documented that many communities with lower incomes, such as the East End, experience a higher risk of air pollution-related health problems like cancer, heart disease and respiratory issues. A recent study by the Clean Air Task Force and NAACP found that Texas is home to one of the largest populations of African Americans living within a half-mile of active oil and gas wells and processing plants.

These facilities create an ongoing public health problem due to chronic exposures to air pollution, while also decreasing property values, particularly in communities where they are heavily concentrated. Because home ownership is the primary route to establish and build wealth for most people, continuing to allow the overconcentration of hazardous facilities in communities that, historically, not only have less wealth but also fewer opportunities to build wealth, further depresses the development and transfer of wealth to future generations, perpetuating a long history of inequalities.

It is long overdue for the city of Houston to limit the proximity of these sites in all neighborhoods. Fairness, equity and science should be the foundation upon which Houston develops after Harvey to ensure a healthy future for all.

Dr. Bakeyah Nelson is executive director of Air Alliance Houston.

Bookmark Gray Matters. It reported headaches, nausea and burning eyes.
